

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nathan Witzany on June 23<sup>rd</sup>, 2010.

The application has been amended as follows:

2. Cancel claims 2-21, 24-35, and 37-39.
3. The following is an examiner's statement of reasons for allowance:

Applicant's arguments, see pages 14-17, filed April 08<sup>th</sup>, 2010, with respect to the rejection of claims 36, 42, and 44 under 35 U.S.C. 103(a) over Kammerer in view of Lehmann have been fully considered and are persuasive. The rejection of 36, 42, and 44 has been withdrawn. As stated by the applicant, the Kammerer reference discloses an elastic anchor that is elongated to provide a biasing force to hold and compress adjacent section of tissue together. The modification proposed by the examiner would eliminate the biasing force caused by the elastic elongation of the device and would make the Kammerer device unable to provide the primary function of holding and compressing the adjacent sections of tissue together.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Woodall whose telephone number is (571)272-5204. The examiner can normally be reached on Monday to Friday 8:00 to 5:30 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Woodall/  
Examiner, Art Unit 3775

/Thomas C. Barrett/  
Supervisory Patent Examiner, Art  
Unit 3775